

REMARKS/ARGUMENTS

This Amendment is filed in response to the Final Office Action dated April 23, 2010. In the Office Action, the pending claims were rejected under 35 U.S.C. §103(a) as being obvious in light of various combinations of U.S. Patent No. 7,222,786 (“*Renz*”), U.S. Patent No. 6,112,502 (“*Frederick*”), U.S. Appl. No. 2003/0105555 (“*Lunak*”), U.S. Patent No. 6,021,392 (“*Lester*”), and takings of Official Notice. In response to the Office Action, Claim 25 has been amended. Applicant notes that the minor amendment does not raise new issues and should therefore be entered and substantively considered. As a result of this Amendment, Claims 1-5, 25, and 28 are pending in the application.

Rejection of Claims Citing *Lunak*

The Examiner rejected each of the pending claims citing *Lunak* as a reference under 35 U.S.C. §102(e). However, under 35 U.S.C. §103(c), *Lunak* is disqualified as a reference as both *Lunak* and the present application were commonly owned by the same entity or subject to an obligation of assignment to the same entity at the time the invention was made. In particular, *Lunak* was assigned to McKesson Automation, Inc., as evidenced by assignments (a) filed on March 28, 2002, and recorded at Reel 012752, Frame 0753 and (b) filed on March 29, 2002, and recorded at Reel 012768, Frame 0258. Similarly, the present application was assigned to McKesson Automation, Inc., as evidenced by assignments filed on May 6, 2004, and recorded at (a) Reel 015294, Frame 0134 and (b) Reel 015294, Frame 0157. Accordingly, Applicant respectfully submits that *Lunak* is disqualified as a reference and therefore requests that the rejection of the pending claims be withdrawn.

Conclusion

The foregoing is submitted as a full and complete response to the Final Office Action dated April 23, 2010. The foregoing amendments and remarks are believed to have placed the present application in condition for allowance, and such action is respectfully requested. The Examiner is encouraged to contact Applicant’s undersigned attorney at (404) 881-4381 or at dane.baltich@alston.com to resolve any remaining issues in order to expedite examination of the

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present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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